



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN**

**GERALD C. MANN  
ATTORNEY GENERAL**

**Honorable Homer Garrison, Jr., Director  
Department of Public Safety  
Austin, Texas**

**Dear Sir:**

**Attention: Mr. Ralph A. Buell**

**Opinion No. O-1281  
Re: Contents of Certificate of  
Title required under House  
Bill 407, Acts of the 46th  
Legislature.**

**We acknowledge receipt of your letter of August  
16, 1939, requesting the opinion of this Department upon  
the following question:**

**"Should liens placed only on tires, radios,  
parts and accessories, and not against the motor  
vehicle, be noted on the Certificate of Title."**

**Section 1 of House Bill 407, Acts of the 46th  
Legislature, reads as follows:**

**"This Act shall be referred to, cited, and  
known as the 'Certificate of Title Act,' and in  
the enactment hereof it is hereby declared to  
be the legislative intent and public policy of  
this State to lessen and prevent the theft of  
motor vehicles, and the importation into this  
State of and traffic in stolen motor vehicles,  
and the sale of unnumbered motor vehicles with-  
out the enforced disclosure to the purchaser of  
any and all liens for which any such motor ve-  
hicle or the tires, radios, parts, or appli-  
ances thereof stands as security, and the pro-  
visions hereof, singularly and collectively,  
are to be liberally construed to that end. The  
following terms as herein defined shall control  
in the enforcement and construction of this Act."**

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Section 3 of the Act defines the term "lien" as "every kind of lease, conditional sales contract, deed of trust, chattel mortgage, trust receipt, reservation of title, or other written instrument of whatsoever kind or character whereby an interest, other than absolute title, is sought to be held or given in a motor vehicle, also any lien created or given by Constitution or Statute."

Section 24 of the Act defines the term "Certificate of Title" and provides for the contents of such certificate. Section 24 in its entirety reads as follows:

"The term 'Certificate of Title' means a written instrument which may be issued solely by and under the authority of the Department, and which must give the following data together with such other data as the Department may require from time to time:

"(a) The name and address of the purchaser and seller at first sale or transferee and transferer at any subsequent sale.

"(b) The make

"(c) The body type

"(d) The motor number

"(e) The serial number

"(f) The number of the license plates currently assigned thereto and the State of issuance, whether in this or any other State.

"(g) The names and addresses and dates of any liens on the motor vehicle, in chronological order of recordation.

"(h) If no liens are registered on the motor vehicle, a statement of such fact.

"(i) A space for the signature of the owner and the owner shall write his name with pen and ink in such space upon receipt of the certificate."

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Neither Section 3 nor Section 24 of House Bill 407 makes any reference to liens or mortgages given on the tires, radios, parts or accessories of automobiles. The language of Section 1, however, discloses the unmistakable intent on the part of the Legislature to provide for the disclosure in the Certificate of Title of any and all liens given on the motor vehicle, tires, radio, parts or appliances, and it is evident that the Legislature intended to include as "liens on the motor vehicle" liens or chattel mortgages secured by tires, radios, parts or accessories, evidently considering such liens on accessories as component parts of the whole. This intention is also disclosed by reference to the first clause of the caption of House Bill 407, which reads as follows:

"AN ACT to provide for the issuance of certificates of title covering motor vehicles and their parts . . ."

While it is possible that confusion might result in considering the sections of the Bill separately, or as segregated units, yet when the sections of the Bill are construed and read together the purpose of the Act becomes clear and the conclusion is inescapable that liens and mortgages on the accessories above are to be included in the Certificate of Title.

It is, therefore, the opinion of this Department that liens placed only on tires, radios, parts and accessories should be noted on the Certificate of Title as "liens on the motor vehicle", under Section 24 (g) of House Bill 407.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) Ross Carlton  
Ross Carlton  
Assistant

RC:LM

APPROVED SEP 18, 1939  
(s) Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED  
OPINION COMMITTEE  
BY: B. W. B.  
CHAIRMAN